



06.29.05

*[Handwritten signature]*

Attorney Docket No.: ABGX-2-CIP CPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Marianne DiBrino, Ph.D.  
Group Art Unit : 1644  
Applicants : Michael Gallo et al.  
Application No. : 09/375,924 Confirmation No. : 5797  
Filed : August 17, 1999  
For : GENERATION OF MODIFIED MOLECULES WITH  
INCREASED SERUM HALF-LIVES

New York, New York  
June 28, 2005

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

"Express Mail" mailing label number: EV619613528US  
Date of Deposit: June 28, 2005

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop MISSING PARTS, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, V.A. 22313-1450.

*[Handwritten signature]*

**Enclosures:**

- Transmittal Letter (in duplicate);
- Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (in duplicate);
- Exhibits A & B;
- Declaration of Jane T. Gunnison.; and
- Return postcard.



Express Mail Label No.  
EV619613528US

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June 28, 2005

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith are: (1) A Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (in duplicate); (2) Exhibits A and B; (3) a Declaration of Jane T. Gunnison; and (4) a return postcard, in the above-identified case.

The Director is hereby authorized to charge \$130.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17, and any additional fees, to the Fish & Neave IP Group of Ropes & Gray LLP Deposit Account No. 06-1075, Order No. (000659.0027). However, because this Petition was not necessitated by error on the part of applicants or applicants' attorney, it is respectfully requested that the fee be refunded. In addition, the Director is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted

herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. (000659.0027). A duplicate copy of this paper is enclosed herewith.

Respectfully submitted,

Jane T. Gunnison

Jane T. Gunnison (Reg. No. 38,479)

Attorney for Applicants

c/o Fish & Neave IP Group  
ROPES & GRAY LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 596-9000  
Fax.: (212) 596-9090



Express Mail Label No.  
EV619613528US

Attorney Docket No.: ABGX-2-CIP CPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Marianne DiBrino, Ph.D.  
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Application No. : 09/375,924 Confirmation No. : 5797  
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For : GENERATION OF MODIFIED MOLECULES WITH  
INCREASED SERUM HALF-LIVES

New York, New York  
June 28, 2005

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION

Sir:

Applicants respectfully request that the holding of abandonment in the above-identified application be withdrawn and the October 18, 2004 Office Action be re-issued. Applicants' attorney, the undersigned, first became aware of the Office Action after an inquiry from the Examiner and receipt of a faxed copy of an October 18, 2004 Office Action on May 23, 2005. During a June 3, 2005 telephone call, the Examiner informed applicants' attorney, the undersigned, that applicants had failed to respond to the Office Action, originally mailed October 18, 2004.

As stated in the enclosed Declaration of Jane T. Gunnison, no such October 18, 2004 Office Action is believed to have been received by the undersigned or Fish & Neave LLP, the attorney of record, for the above-identified case, prior to May 23, 2005 when the Examiner provided a faxed copy of the Office Action to applicants' attorney.

As stated in the Declaration, if the October 18, 2004 Office Action had been received, the Office Action would have been entered into the docketing system along with the three-month due date for responding, January 18, 2005. The Office Action would then have been placed in the application file. As stated in the Declaration, prior to May 23, 2005 when we received the faxed copy of the Office Action, the application file did not contain a copy of the October 18, 2004 Office Action.

Applicants submit herewith Exhibits A and B as evidence that the October 18, 2004 Office Action was not received. Exhibit A is a print out from the docketing system for the above-identified application showing, *inter alia*, all Office Actions received ("Action") and either the due date for a response ("Action Due Date") or the date a response was filed ("Completed Date"). The October 18, 2004 Office Action is not listed.

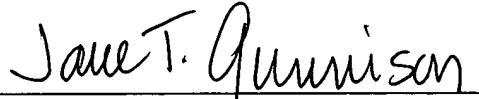
Exhibit B is another printout from the docketing system showing all due dates for the New York Office of the Fish & Neave IP Group of Ropes & Gray LLP, on or around January 18, 2005, the three-month response date for the October 18, 2004 Office Action. To maintain confidentiality, client names have been redacted and application serial numbers and docket numbers have been partially redacted. Again, no response date for the above-identified application is listed.

For the foregoing reasons, applicants respectfully request that this Petition be granted. In addition, applicants request that a duplicate copy of the October 18, 2004 Office Action, setting forth a new period for response, be re-issued and re-mailed to applicants' attorney.

If the Patent and Trademark Office deems that this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action should be considered a Petition For Revival Of Abandoned Application pursuant to 37 C.F.R. § 1.137, the Commissioner is hereby authorized to charge payment of the appropriate petition fee set forth in 37 C.F.R. § 1.17, and any additional fees, to the Fish & Neave IP Group of Ropes & Gray LLP Deposit Account No. 06-1075, Order No. (000659.0027). A duplicate copy of this paper is enclosed.

The Director is hereby authorized to charge \$130.00 in payment of the petition fee set forth in 37 C.F.R. § 1.17, and any additional fees, to the Fish & Neave IP Group of Ropes & Gray LLP Deposit Account No. 06-1075, Order No. (000659.0027). However, because the filing of this Petition is not due to an error on the part of applicants or applicants' attorney, it is respectfully requested that if this is found that the fee be refunded. In addition, the Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. (000659.0027). A duplicate copy of this paper is enclosed herewith.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jane T. Gunnison". The signature is written in dark ink and is positioned above a horizontal line.

Jane T. Gunnison (Reg. No. 38,479)

Attorney for Applicants

c/o Fish & Neave IP Group

ROPES & GRAY LLP

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020

Tel.: (212) 596-9000

Fax.: (212) 596-9090



# Patent: ABGX/2, United States, REGULAR CASE TYPE, NATIONAL CASE, CONTINUING PROSECUTION APPLICATION

## Patent Data

Docket Number	ABGX/2	Associate	KATHERINE A. HELM
Country	United States	Agent	
Case Type	REGULAR CASE TYPE	Client/Division	ABGENIX, INC.
Relation Type	CONTINUING PROSECUTION APPLICATION	Current Owner	ABGENIX, INC.
Filing Type	NATIONAL CASE	Previous Owner	LARGE ENTITY STATUS
Filing Number		Text #10	
Status	Filed	First Filing Date	8/17/1998
Sub Status		Sub Status Date	
Parent Country	United States	Parent Filing Date	8/17/1999
Parent Number	SEE DESC	Parent Grant Date	
Application Number	09/375924	Application Date	2/15/2002
Patent Number		Grant Date	
Publication Number	20020142374-A1	Publication Date	10/3/2002
Assigned	ASSIGNMENT RECORDED	Ind. Claims/Designs	0
Convention Type		Total Claims	0
Misc Type		Total Classes	
Tax Agent		Confirmation Number	5797
Reviewer		Tax Base Date	
Partner	JANE T GUNNISON	Next Tax Date	
Custom Party #2	JAMES F HALEY	Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	FNPP	Customer Name	Fish & Neave

## Title

GENERATION OF MODIFIED MOLECULES WITH INCREASED SERUM HALF-LIVES



## Description

THIS APPLN IS THE CPA OF 09/375924 FILED 8/17/99 WHICH CLAIMS PRIORITY FROM 60/096868 FILED 8/17/1998 RECORDED: OCTOBER 22, 1999 REEL: 010322 FRAME: 0136

## Current Expense Information

### Expenses

Expense	Amount	Expense Date	Invoice Number
ART GROUP NUMBER FOR THE U.S. PTO	1644		

## Other Case-Related Information

### Actions

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
AMENDMENT FILED		6/29/2004		6/29/2004			
NOTICE OF COMPLIANCE				5/7/2002			
AMENDMENT FILED		11/6/2002		11/6/2002			
SEQUENCE REQUIREMENTS FILED		4/9/2003		4/15/2003			
ASSOCIATE POWER OF ATTORNEY FILED		2/19/2003		2/19/2003			
SEQUENCE REQUIREMENT DUE				3/25/2003			
SUPPLEMENTAL DISCLOSURE STATEMENT		11/6/2002		11/6/2002			
FORMAL DRAWINGS FILED		11/6/2002		11/6/2002			FORMAL DRAWINGS FOR PUBLICATION WILL NOT BE FILED PER LILY JIANG. 3/20/02
POWER TO INSPECT AND MAKE COPIES		2/19/2003		2/19/2003			
NOTICE OF PUBLICATION OF APPLN				10/3/2002			
APPLICATION REJECTED				5/7/2002			
APPLICATION REJECTED				3/9/2004			
CORRECTED FILING RECEIPT RECEIVED				3/7/2002			
CPA APPLICATION FILED		2/15/2002		2/15/2002			

RESUBMISSION OF PTO  
DOCUMENTS

2/4/2003

RESUBMISSION OF RESPONSE PREVIOUSLY FILED ON  
11/6/2002APPLICATION REJECTED  
PUBLISHED

11/18/2003

6/20/2002

**Inventors**

Inventor

Assignment Date

GALLO, MICHAEL

JUNGHANS, RICHARD P.

FOORD, ORIT

CreateUser: GLBM

CreateDate: 2/20/2002

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UpdateUser: ikeselma

UpdateDate: 4/11/2005

ALL FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 16PROV. PROVISIONAL FILING ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 969 **Filed:** 2/11/2004  
**Action Due:** Review foreign - 11 month remi **Due Date:** 1/11/2005  
**Partner:** JAMES F HALEY **Designated Reviewer:** KAREN MANGASARIAN  
**Working Attorney:** KAREN MANGASARIAN

**Docket No.:** 16PROV. PROVISIONAL FILING ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 969 **Filed:** 2/11/2004  
**Action Due:** Review USA - 11 month reminder **Due Date:** 1/11/2005  
**Partner:** JAMES F HALEY **Designated Reviewer:** KAREN MANGASARIAN  
**Working Attorney:** KAREN MANGASARIAN

**Docket No.:** 345 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 061 **Filed:** 10/12/2004  
**Action Due:** INFORMATION DISCLOSURE STATEMENT **Due Date:** 1/12/2005  
**Partner:** ROBERT R JACKSON **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** JEFFREY H INGERMAN

**Docket No.:** 003 REGULAR CASE TYPE CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 660 **Filed:** 8/12/2004  
**Action Due:** INFORMATION DISCLOSURE STATEMENT DUE **Due Date:** 1/12/2005  
**Partner:** JOSEPH M GUILIANO **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** EVELYN C. MAK

**Docket No.:** 017 REGULAR CASE TYPE CONTINUATION

1

**Country:** United States

**Client:**

**Serial/App. No.:** 822

**Filed:** 9/20/2002

**Action Due:** RESP. TO FINAL O/A + 2 MO EXT.

**Due Date:** 1/12/2005

DO NOT DELETE THIS NOTE: ALL COMMUNICATIONS AND MATERIALS REGARDING NOVEX CASES ARE TO BE SENT THROUGH OVERLY-WALKER WHO WILL THEREAFTER CIRCULATE INTERNALLY AS NECESSARY. DO NOT SEND MATERIALS DIRECTLY TO INVENTORS.

**Partner:** JAMES F HALEY

**Designated Reviewer:** JANE T GUNNISON

**Working Attorney:** TAE BUM SHIN

**Docket No.:** 19 REGULAR CASE TYPE ORIGINAL OR PATENT CASE

**Country:** United States

**Client:**

**Serial/App. No.:** .551

**Filed:** 1/19/2001

**Action Due:** Notice of Appeal due

**Due Date:** 1/12/2005

**Partner:** JOSEPH M GUILIANO

**Designated Reviewer:** JAMES A. LEIZ

**Working Attorney:** ANDREW VAN COURT

**Docket No.:** 137 REGULAR CASE TYPE CONTINUATION

2

**Country:** United States

**Client:**

**Serial/App. No.:** 853

**Filed:** 10/1/1999

**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A

**Due Date:** 1/12/2005

\* EXTENDED TO JANUARY 2005 PER JAMES LEIZ

**Partner:** JOSEPH M GUILIANO

**Designated Reviewer:** JAMES A. LEIZ

**Working Attorney:** PAUL E. LEBLOND

**Docket No.:** 081 REGULAR CASE TYPE ORIGINAL OR PATENT CASE

**Country:** United States

**Client:**

**Serial/App. No.:** 658

**Filed:** 3/3/1999

**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A

**Due Date:** 1/13/2005

**Partner:** JOSEPH M GUILIANO

**Designated Reviewer:** ANDREW VAN COURT

**Working Attorney:** DAVID LEE

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 079RE. REISSUE PATENT ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 757 **Filed:** 10/19/2001  
**Action Due:** 3 Month date Final Rejection/Appeal **Due Date:** 1/14/2005  
**Partner:** ROBERT R JACKSON **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** JARED X. KNEITEL

**Docket No.:** 154 REGULAR CASE TYPE CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 308 **Filed:** 7/17/2001  
**Action Due:** NO FILING OF REISSUE APPLICATION **Due Date:** 1/14/2005  
**Partner:** JEFFREY H INGERMAN **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** JEFFREY H INGERMAN

**Docket No.:** 002 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 551 **Filed:** 10/24/2000  
**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A **Due Date:** 1/14/2005  
**Partner:** GENE W. LEE **Designated Reviewer:** GENE W. LEE  
**Working Attorney:** JEFFREY C. ALDRIDGE

**Docket No.:** 274 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 290 **Filed:** 11/15/2004  
**Action Due:** FORMAL DRAWINGS FILED **Due Date:** 1/14/2005  
**Partner:** JOSEPH M GUILIANO **Designated Reviewer:** ANDREW VAN COURT  
**Working Attorney:** MICHAEL J. CHASAN

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 013                      REGULAR CASE TYPE                      DIVISION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 914                      **Filed:** 5/26/1995  
**Action Due:** 7 1/2 YEAR MAINTENANCE FEE DUE                      **Due Date:** 1/15/2005  
  
**Partner:** JAMES F HALEY                      **Designated Reviewer:** BARBARA A RUSKIN  
**Working Attorney:** SHILPI BANERJEE

**Docket No.:** 005                      REGULAR CASE TYPE                      CONTINUATION-IN-PART  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 632                      **Filed:** 7/15/2004  
**Action Due:** FOREIGN FILING REMINDER (6TH MONTH)                      **Due Date:** 1/15/2005  
  
**Partner:** JAMES F HALEY                      **Designated Reviewer:** JENNIFER WEISSMAN  
**Working Attorney:** KATHERINE A. HELM

**Docket No.:** 039                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 478                      **Filed:** 7/14/2000  
**Action Due:** REMINDER                      **Due Date:** 1/15/2005

\* REMINDER TO FILE A CERTIFICATE OF CORRECTION BY THIS DATE

**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** JAMES A. LEIZ  
**Working Attorney:** HONG S. LIN

**Docket No.:** 001                      REGULAR CASE TYPE                      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 111                      **Filed:** 3/19/1996  
**Action Due:** 7 1/2 YEAR MAINTENANCE FEE DUE                      **Due Date:** 1/15/2005  
  
**Partner:** LAURENCE S ROGERS                      **Designated Reviewer:** ANGELA KRUEGER  
**Working Attorney:** JEFFREY C. ALDRIDGE

ALL FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 03-127      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 774      **Filed:** 8/16/2004  
**Action Due:** DECLARATION + PET. 1 MO. EXTENSION      **Due Date:** 1/15/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** JAMES F HALEY  
**Working Attorney:** MICHELE A. KERCHER

**Docket No.:** 216      REGULAR CASE TYPE      CONTINUATION      2  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 930      **Filed:** 2/12/2004  
**Action Due:** FILING FEE + PET. FOR 5 MONTH EXT.      **Due Date:** 1/16/2005  
  
**Partner:** JEFFREY H INGERMAN      **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** JEFFREY H INGERMAN

**Docket No.:** 229      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 379      **Filed:** 9/24/2002  
**Action Due:** RESP. TO O/A + PET. FOR 1 MO. EXT.      **Due Date:** 1/16/2005  
  
**Partner:** ROBERT R JACKSON      **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** ROBERT R JACKSON

**Docket No.:** 903      REGULAR CASE TYPE      DIVISION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 648      **Filed:** 7/7/2004  
**Action Due:** DECLARATION + PET. 2 MO. EXTENSION      **Due Date:** 1/16/2005  
  
**Partner:** ROBERT W MORRIS      **Designated Reviewer:** JEFFREY D. MULLEN  
**Working Attorney:** JEFFREY D. MULLEN

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** J44                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 728                      **Filed:** 2/5/2003  
**Action Due:** RESTRICTION REQ. + PET. 1 MO. EXT.                      **Due Date:** 1/16/2005  
  
**Partner:** ROBERT W MORRIS                      **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** ROBERT W MORRIS

**Docket No.:** J49                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 290                      **Filed:** 9/17/2004  
**Action Due:** EXECUTED DECLARATION DUE                      **Due Date:** 1/16/2005  
  
**Partner:** ROBERT W MORRIS                      **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** PAUL E. LEBLOND

**Docket No.:** JIPDIV1/2                      REGULAR CASE TYPE                      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 298                      **Filed:** 7/11/2003  
**Action Due:** SEQUENCE REQUIREMENT DUE                      **Due Date:** 1/16/2005  
  
**Partner:** MARGARET A PIERRI                      **Designated Reviewer:** MARGARET A PIERRI  
**Working Attorney:** STANLEY D LIANG

**Docket No.:** 002PROV.                      PROVISIONAL FILING                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 778                      **Filed:** 4/16/2004  
**Action Due:** Review foreign - 9 month remin                      **Due Date:** 1/16/2005  
  
**Partner:** MARK D ROWLAND                      **Designated Reviewer:** MARK D ROWLAND  
**Working Attorney:** DOUGLAS A. OGUSS



ALL FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 002PROV. PROVISIONAL FILING ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 778 **Filed:** 4/16/2004  
**Action Due:** Review USA - 9 month reminder **Due Date:** 1/16/2005  
**Partner:** MARK D ROWLAND **Designated Reviewer:** MARK D ROWLAND  
**Working Attorney:** DOUGLAS A. OGUSS

**Docket No.:** 015 REGULAR CASE TYPE CONTINUATION 2  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 640 **Filed:** 11/1/2002  
**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A **Due Date:** 1/16/2005  
**Partner:** JOSEPH M GUILIANO **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** PAUL E. LEBLOND

**Docket No.:** 027 REGULAR CASE TYPE CONTINUING PROSECUTION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 461 **Filed:** 10/28/1997  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE **Due Date:** 1/17/2005  
**Partner:** ROBERT R JACKSON **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** ROBERT R JACKSON

**Docket No.:** 046 REGULAR CASE TYPE CONTINUATION-IN-PART  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 293 **Filed:** 9/17/2004  
**Action Due:** EXECUTED DECLARATION DUE **Due Date:** 1/17/2005  
**Partner:** ROBERT W MORRIS **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** HASSAN ALBAKRI

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 048      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 294      **Filed:** 9/17/2004  
**Action Due:** EXECUTED DECLARATION DUE      **Due Date:** 1/17/2005  
  
**Partner:** ROBERT W MORRIS      **Designated Reviewer:** ANDREW VAN COURT  
**Working Attorney:** JEFFREY C. ALDRIDGE

**Docket No.:** 007      REGULAR CASE TYPE      CONTINUING PROSECUTION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 568      **Filed:** 5/7/1998  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE      **Due Date:** 1/17/2005  
  
**Partner:** NORMAN H BEAMER      **Designated Reviewer:** NORMAN H BEAMER  
**Working Attorney:** NORMAN H BEAMER

**Docket No.:** 022      REGULAR CASE TYPE      CONTINUATION      3  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 950      **Filed:** 6/25/2004  
**Action Due:** FILING FEE + PET. FOR 4 MONTH EXT.      **Due Date:** 1/17/2005  
  
**Partner:** JOSEPH M GUILIANO      **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** DAVID LEE

**Docket No.:** 028      REGULAR CASE TYPE      CONTINUATION      1  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 161      **Filed:** 10/11/1999  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE      **Due Date:** 1/17/2005  
  
**Partner:** JOSEPH M GUILIANO      **Designated Reviewer:** ANDREW VAN COURT  
**Working Attorney:** RAY C. CHENG

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 008                      REGULAR CASE TYPE                      DIVISION                      3  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 901                      **Filed:** 1/20/1995  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE                      **Due Date:** 1/17/2005  
  
**Partner:** JAMES F HALEY                      **Designated Reviewer:** JAMES F HALEY  
**Working Attorney:** KAREN MANGASARIAN

**Docket No.:** 021                      REGULAR CASE TYPE                      CONTINUING PROSECUTION                      3  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 526                      **Filed:** 7/8/1997  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE                      **Due Date:** 1/17/2005  
  
**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** PAUL E. LEBLOND

**Docket No.:** 162                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 839                      **Filed:** 6/30/2000  
**Action Due:** RESP. TO O/A + PET. FOR 2 MO. EXT.                      **Due Date:** 1/17/2005  
  
**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** HASSAN ALBAKRI

**Docket No.:** 052                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 289                      **Filed:** 9/17/2004  
**Action Due:** EXECUTED DECLARATION FILED                      **Due Date:** 1/18/2005  
  
**Partner:** ROBERT W MORRIS                      **Designated Reviewer:** ANDREW VAN COURT  
**Working Attorney:** JEFFREY C. ALDRIDGE

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 011DES. DESIGN ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 996 **Filed:** 10/9/2003  
**Action Due:** ISSUE FEE DUE **Due Date:** 1/18/2005  
**Partner:** JEFFREY H INGERMAN **Designated Reviewer:** EDWARD M ARONS  
**Working Attorney:** PATRICK J. ZHANG

**Docket No.:** 001 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 489 **Filed:** 2/18/2004  
**Action Due:** Foreign filing - 11 month reminder **Due Date:** 1/18/2005  
**Partner:** MARK D ROWLAND **Designated Reviewer:** MARK D ROWLAND  
**Working Attorney:** DOUGLAS A. OGUSS

**Docket No.:** 1 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 067 **Filed:** 9/23/2004  
**Action Due:** SUBSTITUTE DRAWINGS DUE **Due Date:** 1/18/2005  
**Partner:** JEANNE C. CURTIS **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** EVELYN C. MAK

**Docket No.:** 025 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 308 **Filed:** 10/7/2004  
**Action Due:** EXECUTED DECLARATION FILED **Due Date:** 1/18/2005  
**Partner:** JAMES F HALEY **Designated Reviewer:** JANE T GUNNISON  
**Working Attorney:** DAVID A. ROISE



All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 009      REGULAR CASE TYPE      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** .791      **Filed:** 3/2/2001  
**Action Due:** PUBLICATION FEE DUE/NON-EXTENDABLE      **Due Date:** 1/19/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** JAMES F HALEY  
**Working Attorney:** SHILPA V. PATEL

**Docket No.:** 004PROV      PROVISIONAL FILING      ORIGINAL OR PATENT CASE      2  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 838      **Filed:** 4/19/2004  
**Action Due:** Review foreign - 9 month remin      **Due Date:** 1/19/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** BARBARA A RUSKIN  
**Working Attorney:** MICHELE A. KERCHER

**Docket No.:** 004PROV      PROVISIONAL FILING      ORIGINAL OR PATENT CASE      2  
**Country:** United States  
**Client:**  
**Serial/App. No.:** .838      **Filed:** 4/19/2004  
**Action Due:** Review USA - 9 month reminder      **Due Date:** 1/19/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** BARBARA A RUSKIN  
**Working Attorney:** MICHELE A. KERCHER

**Docket No.:** 071      REGULAR CASE TYPE      CONTINUATION-IN-PART  
**Country:** United States  
**Client:**  
**Serial/App. No.:** .331      **Filed:** 3/20/1998  
**Action Due:** 3rd month date - PTO Office Action      **Due Date:** 1/19/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** KAREN MANGASARIAN  
**Working Attorney:** CONNIE WONG



ALL FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 347                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 450                      **Filed:** 10/20/2004  
**Action Due:** INFORMATION DISCLOSURE STATE. FILED                      **Due Date:** 1/20/2005  
  
**Partner:** ROBERT R JACKSON                      **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** JEFFREY H INGERMAN

**Docket No.:** 012                      REGULAR CASE TYPE                      CONTINUATION                      2  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 924                      **Filed:** 8/7/2002  
**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A                      **Due Date:** 1/20/2005  
  
\* INEXTENSIBLE  
**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** ALEXANDER SHVARTS  
**Working Attorney:** CHIA-HAO LA

**Docket No.:** 019                      REGULAR CASE TYPE                      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 516                      **Filed:** 7/6/2004  
**Action Due:** FILING FEE + PET. FOR 3 MONTH EXT.                      **Due Date:** 1/20/2005  
  
**Partner:** JEFFREY H INGERMAN                      **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** JEFFREY C. ALDRIDGE

**Docket No.:** 001                      REGULAR CASE TYPE                      CONTINUATION                      2  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 865                      **Filed:** 1/26/2001  
**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A                      **Due Date:** 1/20/2005  
  
**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** RAY C. CHENG



All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 112                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 304                      **Filed:** 11/9/1999  
**Action Due:** 6mo. ABANDONMENT DATE - PTO O/A                      **Due Date:** 1/20/2005

\* 1/20/2005 THE USPTO WAS CLOSED.

**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** PAUL E. LEBLOND

**Docket No.:** 035                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 506                      **Filed:** 10/29/1999  
**Action Due:** NO FILING OF REISSUE APPLICATION                      **Due Date:** 1/21/2005

**Partner:** ROBERT R JACKSON                      **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** PATRICK J. Z'ANG

**Docket No.:** 256                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 152                      **Filed:** 10/21/2003  
**Action Due:** 3rd month date - PTO Office Action                      **Due Date:** 1/21/2005  
**Partner:** ROBERT R JACKSON                      **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** JEFFREY H INGERMAN

**Docket No.:** 01                      REGULAR CASE TYPE                      CONTINUATION-IN-PART  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 649                      **Filed:** 2/12/2001  
**Action Due:** DEADLINE TO FILE REISSUE APPLICATION                      **Due Date:** 1/21/2005  
**Partner:** MARK D ROWLAND                      **Designated Reviewer:** MARK D ROWLAND  
**Working Attorney:** CHI-HSIN CHANG

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** /22 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 007 **Filed:** 1/21/2004  
**Action Due:** FOREIGN FILING COMPLETED **Due Date:** 1/21/2005  
**Partner:** JOSEPH M GUILIANO **Designated Reviewer:** ADAM M. SALTZMAN  
**Working Attorney:** TAE BUM SHIN

**Docket No.:** /259 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 812 **Filed:** 1/21/2004  
**Action Due:** FOREIGN FILING COMPLETED **Due Date:** 1/21/2005  
**Partner:** JOSEPH M GUILIANO **Designated Reviewer:** ADAM M. SALTZMAN  
**Working Attorney:** TAE BUM SHIN

**Docket No.:** /267 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 958 **Filed:** 1/21/2004  
**Action Due:** FOREIGN FILING COMPLETED **Due Date:** 1/21/2005  
**Partner:** JOSEPH M GUILIANO **Designated Reviewer:** ADAM M. SALTZMAN  
**Working Attorney:** TAE BUM SHIN

**Docket No.:** /98-10 REGULAR CASE TYPE CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 854 **Filed:** 3/16/2001  
**Action Due:** NO FILING OF REISSUE APPLICATION **Due Date:** 1/21/2005  
**Partner:** JAMES F HALEY **Designated Reviewer:** NINA R. HORAN  
**Working Attorney:** DAVID A. ROISE

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** /002 REGULAR CASE TYPE CONTINUATION-IN-PART  
**Country:** United States  
**Client:**  
**Serial/App. No.:** :009 **Filed:** 6/4/2002  
**Action Due:** RESP. TO FINAL O/A + 1 MO. EXT. **Due Date:** 1/22/2005  
**Partner:** JEFFREY H INGERMAN **Designated Reviewer:** GARRY J. TUMA  
**Working Attorney:** LAWRENCE M. BROWN

**Docket No.:** /027 REGULAR CASE TYPE DIVISION 3  
**Country:** United States  
**Client:**  
**Serial/App. No.:** :033 **Filed:** 3/8/1995  
**Action Due:** 7 1/2 YEAR MAINTENANCE FEE DUE **Due Date:** 1/22/2005  
**Partner:** LAURENCE S ROGERS **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** CHI-HSIN CHANG

**Docket No.:** /172 REGULAR CASE TYPE ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 302 **Filed:** 10/8/2004  
**Action Due:** EXECUTED DECLARATION DUE **Due Date:** 1/22/2005  
**Partner:** MARK D ROWLAND **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** CHI-HSIN CHANG

**Docket No.:** :018 REGULAR CASE TYPE DIVISION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** :930 **Filed:** 9/9/2003  
**Action Due:** 3rd month date - PTO Office Action **Due Date:** 1/22/2005  
**Partner:** ROBERT R JACKSON **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** PATRICK J. ZHANG

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** 593/002      REGULAR CASE TYPE      DIVISION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 217      **Filed:** 9/24/2004  
**Action Due:** PUBLISHED      **Due Date:** 1/24/2005  
  
**Partner:** ROBERT R JACKSON      **Designated Reviewer:** ROBERT R JACKSON  
**Working Attorney:** JEFFREY H INGERMAN

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**Docket No.:** J02      REGULAR CASE TYPE      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 713      **Filed:** 8/26/2003  
**Action Due:** 2 MO. EX PARTE QUALE DUE      **Due Date:** 1/24/2005  
  
**Partner:** JEFFREY H INGERMAN      **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** WENDY PETKA

**Docket No.:** /001      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 752      **Filed:** 2/27/1997  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE      **Due Date:** 1/24/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** JAMES F HALEY  
**Working Attorney:** KATHERINE A. HELM

**Docket No.:** /072      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 618      **Filed:** 7/10/1998  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE      **Due Date:** 1/24/2005  
  
**Partner:** MARK D ROWLAND      **Designated Reviewer:** ROBERT W MORRIS  
**Working Attorney:** ROBERT W MORRIS

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** /105                      REGULAR CASE TYPE                      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** :552                      **Filed:** 1/22/2003  
**Action Due:** ISSUE FEE DUE                      **Due Date:** 1/24/2005  
  
**Partner:** MARK D ROWLAND                      **Designated Reviewer:** JOEL WEISS  
**Working Attorney:** JEFFREY C. ALDRIDGE

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**Docket No.:** :2                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 114                      **Filed:** 1/25/2000  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE                      **Due Date:** 1/24/2005  
  
**Partner:** JAMES F HALEY                      **Designated Reviewer:** DANIEL M BECKER  
**Working Attorney:** DANIEL M BECKER

**Docket No.:** /001                      REGULAR CASE TYPE                      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** :332                      **Filed:** 11/9/1998  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE                      **Due Date:** 1/24/2005  
  
**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** EVELYN C. MAK  
**Working Attorney:** RAY C. CHENG

**Docket No.:** 157                      REGULAR CASE TYPE                      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 596                      **Filed:** 8/9/2000  
**Action Due:** ISSUE FEE DUE                      **Due Date:** 1/24/2005  
  
**Partner:** JOSEPH M GUILIANO                      **Designated Reviewer:** ALEXANDER SHVARTS  
**Working Attorney:** CHIA-HAO LA

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

**Docket No.:** /96-11      REGULAR CASE TYPE      CONTINUATION  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 247      **Filed:** 4/16/1999  
**Action Due:** 3 1/2 YEAR MAINTENANCE FEE DUE      **Due Date:** 1/24/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** NINA R. HORAN  
**Working Attorney:** DAVID A. ROISE

**Docket No.:** /236      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 111      **Filed:** 9/25/2002  
**Action Due:** ISSUE FEE DUE      **Due Date:** 1/25/2005  
  
**Partner:** ROBERT R JACKSON      **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** JEFFREY H INGERMAN

**Docket No.:** /001      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 822      **Filed:** 12/24/1998  
**Action Due:** ISSUE FEE DUE      **Due Date:** 1/25/2005  
  
**Partner:** JAMES F HALEY      **Designated Reviewer:** JANE T GUNNISON  
**Working Attorney:** KATHERINE A. HELM

**Docket No.:** /000      REGULAR CASE TYPE      ORIGINAL OR PATENT CASE  
**Country:** United States  
**Client:**  
**Serial/App. No.:** 608      **Filed:** 8/23/2002  
**Action Due:** ISSUE FEE DUE      **Due Date:** 1/25/2005  
  
**Partner:** JOSEPH M GUILIANO      **Designated Reviewer:** JEFFREY H INGERMAN  
**Working Attorney:** JEFFREY H INGERMAN

All FISH & NEAVE IP GROUP OF ROPES & GRAY due dates in US cases (1/11/05 – 1/25/05)

<b>Docket No.:</b>	IG 1.	REGULAR CASE TYPE	ORIGINAL OR PATENT CASE
<b>Country:</b>	United States		
<b>Client:</b>			
<b>Serial/App. No.:</b>	331	<b>Filed:</b>	4/18/2002
<b>Action Due:</b>	3rd month date - PTO Office Action	<b>Due Date:</b>	1/25/2005
<b>Partner:</b>	JOSEPH M GUILIANO	<b>Designated Reviewer:</b>	JEFFREY H INGERMAN
<b>Working Attorney:</b>	EVELYN C. MAK		

**Record Count** 81



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EV619613528US

Attorney Docket No.: ABGX-2-CIP CPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Marianne DiBrino, Ph.D.  
Group Art Unit : 1644  
Applicants : Michael Gallo et al.  
Application No. : 09/375,924 Confirmation No. : 5797  
Filed : August 17, 1999  
For : GENERATION OF MODIFIED MOLECULES WITH  
INCREASED SERUM HALF-LIVES

New York, New York  
June 28, 2005

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

DECLARATION OF JANE T. GUNNISON

Sir:

I, JANE T. GUNNISON, declare and state as follows:

1. I am a partner in the Fish & Neave IP Group of Ropes & Gray LLP (formerly Fish & Neave LLP), attorneys of record in the above-identified application. I am an attorney of record in this application. I make this declaration in support of applicants' Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action and request therein for the Office Action to be re-issued.



2. I have reviewed the original file of the above-identified application as maintained in the Patent Department of the Fish & Neave IP Group of Ropes & Gray LLP at 1251 Avenue of the Americas, New York, New York, 10020 and I did not find a copy of an October 18, 2004 Office Action in the file.

3. I have no recollection of receiving an Office Action mailed October 18, 2004 in the above-identified application until May 23, 2005 when the Examiner faxed a copy of the Office Action to me.

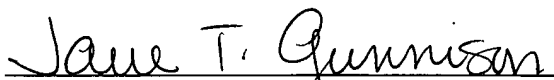
4. Upon information and belief, I believe that an Office Action, dated October 18, 2004, in this application was neither received nor docketed by the Patent Department of Fish & Neave LLP or the Fish & Neave IP Group of Ropes & Gray LLP.

5. It was the practice of Fish & Neave LLP, and is now the practice at the Fish & Neave IP Group of Ropes & Gray LLP, that all correspondence from the United States Patent and Trademark Office, whether addressed to the firm or to an individual attorney or patent agent, is received by the firm's Mail Room and is brought to the firm's Patent Department for docketing. After the correspondence has been docketed in that department, it is then delivered to the attorney, patent agent or technical advisor who is primarily responsible for the prosecution of the application to which it relates.

6. Attached to this Declaration are true and complete copies of Exhibit A: a docketing system print-out for all due dates for actions relating to the above-identified case and Exhibit B: a docketing system print-out for all responses due in the New York office of the Fish & Neave IP Group of Ropes & Gray, LLP at and around the due date of January 18, 2005, the

three month due date of the October 18, 2004 Office Action. If the October 18, 2004 Office Action had been received, the Office Action would have been entered into the docketing system along with the three-month due date for responding, January 18, 2005. Exhibit A shows, *inter alia*, all Office Actions received ("Action") and either the due date for a response ("Action Due Date") or the date a response was filed ("Completed Date"). Exhibit B shows all due dates for the New York office of the Fish & Neave IP Group of Ropes & Gray LLP, on or around January 18, 2005, the three-month response date for the October 18, 2004 Office Action. Neither of these documents provide any indication that the October 18, 2004 Office Action was ever received and/or docketed in our docketing system.

7. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issuing for the above-identified patent application.

  
Jane T. Gunnison (Reg. No. 38,479)

Signed this 28 day of June 2005  
in New York, New York.